HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.16624 OF 2007

Between:

Dr.G.E.Indrani and another

. . .Petitioners

AND

Assistant City Planner, GHMC, Hyderabad

. . .Respondent

:: ORDER ::

Counsel for the petitioners : Shri Ch.Dhanamjaya

Counsel for respondent : Shri R.Ramachandra Reddy

7th August, 2007

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PER G.S.SINGHVI, CJ

This petition is directed against notice dated 30.07.2007 issued by Assistant City Planner, Circle-VI, Greater Hyderabad Municipal Corporation, Hyderabad under Section 636 of Hyderabad Municipal Corporation Act, 1955 requiring the petitioners to demolish the illegal construction made by them in property bearing Door No.4-1-248, Troop Bazar, Hanman Tekdi, Hyderabad.

At the hearing, Shri R.Ramachandra Reddy, learned counsel for Greater Hyderabad Municipal Corporation, on the basis of instructions given to him, made a statement that the petitioners had earlier unsuccessfully filed O.S.No.3596 of 2003 and A.S.No.46 of 2006 and now they have filed O.S.No.4576 of 2007 for grant of injunction against the threatened demolition of the unauthorized structures raised by them.

Shri Ch.Dhanamjaya, learned counsel for the petitioners says that in view of the statement made by Shri R. Ramachandra Reddy, his clients may be permitted to withdraw the writ petition with liberty to pursue remedy in the civil Court.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer made.

As a sequel to dismissal of the writ petition as withdrawn, WPMP Nos.21174 and 21395 of 2007 filed by the petitioners are also dismissed.

While disposing of the writ petition in the manner indicated above, we consider it necessary to observe that the concerned Civil Court should decide the suit as well as the application for temporary injunction/stay, if any filed by the petitioners keeping in view the fact that the earlier suit filed for similar relief was dismissed and appeal preferred against the judgment and decree of the trial Court was also dismissed.

G.S.SINGHVI, CJ

7th August, 2007

C.V.NAGARJUNA REDDY, J

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